

**REMARKS**

Claims 1-34 are pending in the application. Claims 14-28 have been withdrawn.

In the Office Action, claim 34 was rejected under 35 U.S.C. §112, first paragraph, as containing subject matter not adequately described in the specification. In particular, the Office Action contends that claim 34's recitation that the computer uses an operating system that stores electronic documents substantially equally throughout the cluster is not properly supported in the specification. This rejection is respectfully traversed, because the recitation complained of in the Office Action is fully supported, for example, at paragraphs 35, 38 and 39 of the specification. These paragraphs describe an operating system (shown in Fig. 2 of the application) for a computer system 10 (shown in Fig. 1), which operating system has a distributor 234 for distributing documents substantially equally amongst the nodes of computer system 10. The nodes N1-Nn are shown as being connected to a PC in a parallel cluster, as claimed.

Thus, Applicants believe that claim 34 meets the written description requirement of §112, first paragraph, because its subject matter is described in the specification such that one skilled in the art would have known that the inventors had possession of the claimed invention at the time of filing the application.

It is pointed out in the Office Action that paragraph 14 of the specification does not describe the invention of claim 34 in the same way as the claim. Paragraph 14 has been amended to describe the invention of claim 34 more accurately. No new matter has been added.

Claims 1, 4-13 and 29-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,745,900 (Burrows) in view of U.S. Patent 6,493,721 (Getchius). Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Burrows in view of Getchius and further in view of U.S. Patent Application Publication 2001/0025287 (Okabe). Claim 3 was

rejected under 35 U.S.C. §103(a) as being unpatentable over Burrows in view of Getchius and further in view of U.S. Patent Application Publication 2001/0011350 (Zabetian). Claim 34 was rejected under 35 U.S.C. §103(a) as being unpatentable over Burrows in view of U.S. Patent 6,070,191 (Narendran) and further in view of U.S. Patent 5,444,840 (Froessler). These rejections are respectfully traversed. Applicants respectfully request reconsideration and allowance of the claims in view of the following arguments.

Regarding the obviousness rejection of independent claims 1, 13 and 29 based on Burrows and Getchius, it is contended in the Office Action that it would have been obvious to modify the system of Burrows to include Getchius' teaching of redundant data storage nodes to yield the claimed inventions. Applicants disagree, and submit that one skilled in the art would not have been motivated to combine Burrows and Getchius in the manner suggested in the Office Action.

Burrows teaches a methodology for indexing records, such as web pages or documents on a local or wide area network. Burrows does not relate to storage or distribution of the records it indexes. Rather, Burrows works on (i.e., indexes) records that reside in a preexisting system such as the World Wide Web, and does not teach or even suggest record distribution techniques. Thus, contrary to the contention at page 5 of the Office Action, Burrows does not disclose a step of distributing a plurality of native documents and extracted data amongst a plurality of nodes of a computer system. The cited passage of Burrows does not describe a step performed by Burrows' method, but only describes an initial condition that exists prior to performance of Burrows' method; that is, an arrangement of information to be indexed and searched by Burrows' methodology. *See also*, Burrows col. 3:1-9.

Because Burrows does not relate to distributing documents, a skilled artisan would not have been motivated to modify it to incorporate the document distribution scheme of Getchius. It is well-established that the mere fact that references *can* be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916, F.2d 680 (Fed.Cir. 1990). In the present case, neither reference contains an objective teaching that would have motivated one skilled in the art to combine them as suggested by the Examiner to yield the invention of claim 1, claim 13 or claim 29. Burrows does not relate to distributing documents, and does not contain any teaching or suggestion that document distribution can or should be improved. It is contended in the Office Action at page 5 that it would have been obvious to combine Burrows and Getchius so that each node is capable of responding to any search request. However, there is no teaching or suggestion in Burrows that this would be desirable.

Getchius relates to a system of processing online data queries, and teaches that its redundant server nodes are a desirable part of that system. However, Getchius does not relate to indexing documents, as does Burrows, and does not suggest that its redundant server nodes have anything to do with indexing. Getchius' redundant server nodes may be desirable in some systems, due to the specific needs of its users, but Burrows does not teach or suggest a need for the redundancy taught by Getchius in *its* system. Providing such redundancy would require major and fundamental changes to any of the record storage systems taught by Burrows (e.g., each server node of Burrows' system would have to be large enough to store every document). Therefore, absent a teaching of an advantage of such redundancy in a system like Burrows' system, a skilled artisan would not have been motivated to modify Burrows as suggested in the Office Action to yield the invention of claim 1, claim 13 or claim 29.

Consequently, independent claims 1, 13 and 29 are patentable, as are claims 4-12 and 30-33, which depend from claims 1 and 29, respectively.

Regarding the obviousness rejection of dependent claim 2 based on Burrows, Getchius and Okabe, and the obviousness rejection of dependent claim 3 based on Burrows, Getchius and Zabetian, both claims 2 and 3 depend from claim 1. As discussed above, there is no objective teaching in Burrows or Getchius that would have motivated one skilled in the art to combine Burrows and Getchius to yield the invention of claim 1. Neither the additional cited Okabe nor Zabetian reference furnishes a motivation to combine Burrows and Getchius to yield the invention of independent claim 1. Therefore, no Burrows/Getchius/Okabe combination could render claim 2 obvious, and no Burrows/Getchius/Zabetian combination, however made, could render claim 3 obvious.

Claims 2 and 3 are consequently patentable for the same reasons as their base claim 1.

Regarding the obviousness rejection of independent claim 34 based on Burrows, Narendran and Froessl, none of these references discloses or suggests claim 34's operating system that stores electronic documents substantially equally throughout a cluster. It is admitted in the Office Action that Burrows does not disclose the claimed operating system. Froessl does not disclose or suggest it either. Likewise, and contrary to the Office Action's contentions, Narendran does not disclose such an operating system either.

The passage of Narendran cited by the Examiner teaches that its operating system distributes documents such that a *request load* is balanced across the servers. This statement does not teach or even suggest that the documents are stored substantially equally throughout the servers, as claimed, but rather that the documents are stored to equalize access to the servers. As explained, for example, in Narendran's Abstract, a set of documents is distributed across the

servers in accordance with a load distribution algorithm utilizing the access rates of the documents as a metric for distributing the documents across the servers. The load distribution algorithm attempts to equalize the sum of the access rates of all the documents stored at a given server across all the servers (not to equalize the documents themselves). Narandran further teaches that in the event of a server failure, redirection probabilities are recomputed such that the load of client requests is approximately balanced among the remaining document servers. The algorithm is described in greater detail at col. 5:20-45 of Narandran, which makes it clear that Narandran does not store documents equally throughout its cluster, but instead stores them according to their access rate, which depends on the size of the document and the rate of request by the system users for the document.

Thus, Narandran does not teach or suggest an operating system that stores documents substantially equally throughout a cluster, as claimed, but rather teaches away from the claimed operating system by specifying an operating system that uses a complex algorithm for determining document distribution.

Since none of the cited references teaches or suggests the claimed operating system that stores documents substantially equally throughout a cluster, no combination of Burrows, Narandran and Froessler, however made, could render claim 34 obvious. Moreover, it would not have been obvious to modify any Burrows/Narandran/Froessler combination to yield the invention of independent claim 34.

Consequently, claim 34 is patentable.

Reconsideration and withdrawal of the rejections of the claims under 35 U.S.C. §103 are respectfully requested.

Accordingly, it is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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